
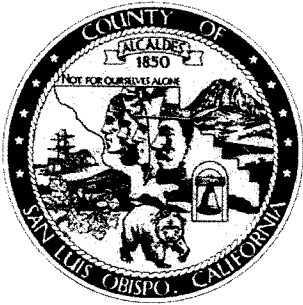


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Health Agency/Public Health Department	(2) MEETING DATE January 10, 2006	(3) CONTACT/PHONE Jess Montoya (805) 788-2855
(4) SUBJECT Hearing to consider ordinances repealing the County Code: section 2.20.060 which consolidates the duties of the Health Agency Director and the Public Guardian and amending 2.20.030 that would allow the Health Agency Director to recommend the appointment of the Public Guardian to the Board of Supervisors		
(5) SUMMARY OF REQUEST In 2004, the Health Agency was reestablished with the primary goal of consolidating the administrative and financial support systems within the Public Health Department and Behavioral Health Department. In the ordinance, it also reestablished the position of Health Agency Director who has the overall responsibility for the organizational, fiscal and operational functions of the Health Agency. The Health Agency Director was to assume the duties of the Public Guardian. Based on the Health Agency Director's review of the Public Health Administration structure, it is more appropriate to continue to designate the Public Guardian with the Health Officer/Public Health Administrator.		
(6) RECOMMENDED ACTION It is recommended that the Board hold a public hearing and approve the following ordinances that will result in the appointment of the Public Guardian. <ul style="list-style-type: none"> <li>Repeal Chapter 2.20.060 of County Code, which consolidates the duties of the Health Agency Director and the Public Guardian.</li> <li>Amend Chapter 2.26.030 of the County Code that creates the Health Agency Director to generally advise, assist and be responsible to the Board of Supervisors for the proper and efficient administration of the Health Agency. The amendment would allow the Health Agency Director to recommend the appointment of the Public Guardian to the Board of Supervisors.</li> </ul> It is also recommended that, upon the effective date of the ordinance, the Board appoint Gregory Thomas, M.D., as the Public Guardian for the County of San Luis Obispo.		
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO		
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): The Public Health Department and County Counsel have been consulted and concur with the proposed ordinance change.		
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____		
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th, All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. <u>15</u> ) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)	(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input checked="" type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	

(19) ADMINISTRATIVE OFFICE REVIEW	 <div style="position: absolute; right: 0; bottom: 0; transform: rotate(-15deg); font-family: cursive; font-size: 2em;">         C-2 1-10-06       </div>
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# County of San Luis Obispo • Health Agency

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2191 Johnson Avenue • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 788-2855 • FAX (805) 781-1048

Jess Montoya  
Health Agency Director

To: Board of Supervisors  
From:  Jess Montoya, Health Agency Director  
Date: January 10, 2006

Subject: Hearing to consider ordinances repealing the County Code: section 2.20.060 which consolidates the duties of the Health Agency Director and the Public Guardian and amending 2.20.030 that would allow the Health Agency Director to recommend the appointment of the Public Guardian to the Board of Supervisors

## Recommendation

It is recommended that the Board hold a public hearing and approve the following ordinances that will result in the appointment of the Public Guardian.

- Repeal Chapter 2.20.060 of County Code, which consolidates the duties of the Health Agency Director and the Public Guardian.
- Amend Chapter 2.26.030 of the County Code that creates the Health Agency Director to generally advise, assist and be responsible to the Board of Supervisors for the proper and efficient administration of the Health Agency. The amendment would allow the Health Agency Director to recommend the appointment of the Public Guardian to the Board of Supervisors.

It is also recommended that, upon the effective date of the ordinance, the Board appoint Gregory Thomas, M.D., as the Public Guardian for the County of San Luis Obispo.

## Discussion

In 2004, the Health Agency was reestablished with the primary goal of consolidating the administrative and financial support systems within the Public Health Department and Behavioral Health Department to enhance collaboration and maximize revenues available for critical public services. In the ordinance, it also reestablished the position of Health Agency Director who has the overall responsibility for the organizational, fiscal and operational functions of the Health Agency. The Health Agency Director was to assume the duties of the Public Guardian. These duties were listed as being consolidated with the new Health Agency Director position. Based on the Health Agency Director's review of the Public Health Administration structure, it is more appropriate to continue to designate the Public Guardian with the Health Officer/ Public Health Administrator. This assumes



more direct authority in the organizational structure and continuity of services for Public Guardian clients.

The recommended action will repeal the ordinance, which consolidates the duties of the Health Agency Director and the Public Guardian. In addition, the amendment to Chapter 2.26.030 will allow the Health Agency Director to recommend to the Board the appointment of a Public Guardian.

The Office of the Public Guardian provides services to the elderly and mentally diseased adults who are unable to independently provide for their food, clothing and shelter. The court provides for the appointment of the Public Guardian when no other qualified individual or entity is willing and able to act. The Public Guardian will act when he/she is assured through the Conservatorship investigation process that:

- A need for a Conservatorship does in fact exist and,
- All other resources including financial, in-home support services, private case management and family support have been exhausted.

The Board must hold a public hearing to repeal Chapter 2.20.060 and to amend Chapter 2.26.030. Upon the effective date of the ordinance, the Health Agency Director is hereby recommending that the Board appoint Gregory Thomas, M.D. as Public Guardian.

#### Other Agency Involvement/Impact

The Public Health Department and County Counsel have been consulted and concur with the proposed ordinance change.

#### Financial Considerations

Amending the existing ordinance does not affect the Agencies General Fund support.

#### Results

Amending the ordinance will allow the Health Agency Director to recommend appointment of a Public Guardian to Board of Supervisors to ensure that services continue to be delivered in an effective and efficient manner for those cases appointed to the Public Guardian by the Superior Court.

Additionally, the appointment of Gregory Thomas, M.D. as Public Guardian will be effective upon the operative date of the ordinance.

Enclosures:

1. An Ordinance Amending Chapter 2.20.060: County Health Agency Director and Public Guardian
2. An Ordinance Repealing Chapter 2.26.030: Duties of Health Agency Director

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 2.26.030 OF THE COUNTY CODE

The Board of Supervisors of the County of San Luis Obispo, State of California, does  
ordain as follows:

SECTION 1: Section 2.26.030 **Duties of health agency director** is hereby amended to  
read as follows:

**2.26.030(i)** Recommend appointment of the health agency administrator-health  
officer, public guardian, and the behavioral health administrator to the board of  
supervisors. Supervise and evaluate the health agency administrator-health  
officer, public guardian, and the behavioral health administrator.

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30)  
days after its passage; and before the expiration of fifteen (15) days after passage of this  
ordinance, it shall be published once with the names of the members of the Board of Supervisors  
voting for and against the ordinance in the \_\_\_\_\_, a newspaper of  
general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_  
day of \_\_\_\_\_, 2005, and PASSED and ADOPTED by the Board of  
Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2005, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairperson of the Board of Supervisors,  
County of San Luis Obispo, State of California

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ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors, County  
of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By:   
Deputy County Counsel

Dated: 12/2/05

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING SECTION 2.20.060 OF THE COUNTY CODE

The Board of Supervisors of the County of San Luis Obispo, State of California, does  
ordain as follows:

SECTION 1: Section 2.20.060 **County health agency director and public guardian** of  
the County Code shall be repealed and deleted from this section.

**2.20.60—~~County health agency director and public guardian.~~**

~~The duties of the county health agency director and public guardian are  
consolidated. The compensation for the consolidated offices shall be such as is  
now or hereafter established by the board of supervisors for the office of county  
health agency director and such compensation shall be in full payment for the  
consolidated duties of health agency director and public guardian. All fees  
received as public guardian shall be paid by him into the county treasury.~~

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30)  
days after its passage; and before the expiration of fifteen (15) days after passage of this  
ordinance, it shall be published once with the names of the members of the Board of Supervisors  
voting for and against the ordinance in the \_\_\_\_\_, a newspaper of  
general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_  
day of \_\_\_\_\_, 2005, and PASSED and ADOPTED by the Board of  
Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2005, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairperson of the Board of Supervisors,  
County of San Luis Obispo, State of California

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ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors, County  
of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

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